

'902 provides no motivation for combining PyMEA, much less PyEA, with any particular type of optional (non complex-forming) monomer to provide a pressure-sensitive adhesive. In addition, the description of alkyl acrylates and alkyl methacrylates as general classes provides no indication that it would be beneficial for such an acrylate to contain 4 to 12 carbon atoms in the alkyl group.

Thus '902 does not disclose the necessary limitations of Claims 1, 4, 5, and 15, which are a combination of PyEA or PyEMA with an alkyl acrylate containing 4 to 12 carbon atoms in the alkyl group. Applicant respectfully requests that the Examiner's rejection of Claims 1, 4, 5, and 15 under 35 U.S.C. §102(b) be withdrawn.

Claims 1 and 6 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent 6,123,462 ('462). The Examiner notes that '462 discloses a polymer comprising alkyl acrylate and pyrrolidonoethyl acrylate (col. 2, lines 33-36; col. 6, line 36; col.8, lines 44-56).

The description contained in col. 2, lines 33-36, provides a general description of combining an alkyl acrylate with a pyrrolidone group, but gives no suggestion of PyEA as the alkyl acrylate with a pyrrolidone group as contained in applicant's disclosure.

At col. 6, line 36, '462 states "If component a) is 2-hydroxyethyl methacrylate and component b) is N-pyrrolidonoethyl acrylate...." Applicant's claim 1 contains a limitation of "at least one A monomer selected from the group consisting of an alkyl acrylate containing 4 to 12 carbon atoms in the alkyl group and alkyl methacrylate containing 4 to 12 carbons in the alkyl group;" 2-hydroxyethyl methacrylate does not meet this limitation. It has a functional group, so it does not meet the definition of an alkyl acrylate, and furthermore, it only has 2 carbons in its alkyl group.

At col.8, lines 44-56, three copolymers comprising PyEA are noted. They are copolymers with HEMA (2-hydroxyethyl methacrylate), MMA (methyl methacrylate), HEA (2-hydroxyethyl acrylate), MA (methyl acrylate), HPMA (2-hydroxylpropyl methacrylate). HEMA, HEA, and HPMA are not alkyl acrylates according to the definition of the present invention, since they contain a functional group, namely -OH. MMA and MA are alkyl acrylates, but each contains only 1 carbon atom (namely methyl) in the alkyl group.

Thus, '462 does not teach the combination of PyEA with the A monomer described in part (a) of Claim 1 and Claim 6 merely limits the pyrrolidone monomer to pyrrolidonoethyl acrylate. Applicant respectfully requests the rejection of Claims 1 and 6 under 35 U.S.C. §102(e) as anticipated by U.S. Patent 6,123,462 ('462) be withdrawn.

Claims 1-30 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. 3,966,902 ('902) in view of U.S. 6,193,996 ('996) or WO 96/08229 ('229) or U.S. 2002/0110585 ('585).

Applicant notes that '996, '229, and '585 are all typical transdermal drug delivery applications. As such, they disclose pressure sensitive adhesives useful for transdermal drug delivery, as well as general features common to many transdermal drug delivery applications, such as use of a softener and a backing. The Examiner argues that it would have been obvious to one having ordinary skill in the art at the time of the invention to add the additional monomers disclosed by '996 or '229 to the copolymer of '902 to provide a pressure sensitive adhesive suitable for transdermal drug delivery.

There is no motivation within '902 for combining any of the materials of '902 with other materials for the purposes of providing a pressure-sensitive adhesive suitable for transdermal drug delivery. There is no mention in '902 of pressure-sensitive adhesive carriers, thus there would be no reason for one skilled in the art to consider any of the monomers of '902 when developing a pressure-sensitive adhesive.

Even if one skilled in the art were to consider '902 in combination with any of '996, '229, or '585, there is absolutely no motivation to suggest combining the alkyl acrylates and methacrylates described in '996, '229, and '585 with one particular, non-preferred hydrophilic monomer noted as part of a long list in '902 with the purpose of creating a pressure-sensitive adhesive. There can be no reasonable expectation that such an unlikely combination would successfully result in a pressure-sensitive adhesive useful for transdermal drug delivery.

Furthermore, even if one skilled in the art did combine '902 with any of '996, '229, or '585, there is no mention in '902 of pyrrolidonoethyl acrylate (PyEA) and no suggestion that pyrrolidonoethyl acrylate would be interchangeable with the mentioned hydrophilic monomer, pyrrolidonoethyl methacrylate (PyEMA). In fact, many of the suitable monomers are described as being "acrylate or methacrylate", whereas only pyrrolidonoethyl methacrylate is noted, which suggests that pyrrolidonoethyl acrylate would not even be suitable for use in the polymer complexes of '902.

Applicant requests withdrawal of the Examiner's rejection of Claims 1-30 under 35 U.S.C. §103(a) as unpatentable over '902 in view of '996 or '229 or '585 for the reasons set forth above.

Reconsideration and withdrawal of all grounds for rejection of claims 1-30 is respectfully requested for the reasons indicated above.

Respectfully submitted,

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